

HOUSE BILL 1454

By Powers

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 39, Chapter 13 and Title 39, Chapter 15,
relative to exposure of unborn children to
controlled substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by
adding the following as a new section:

(a) A person commits the crime of chemical endangerment by:

(1) Knowingly, recklessly, or intentionally causing or permitting a human
embryo or fetus at any stage of gestation in utero to be exposed to, to ingest or
to have contact with a controlled substance or harmful chemical substance. A
violation under this subdivision (a)(1) is a Class C felony;

(2) Violates subdivision (1) and a child is born suffering serious physical
injury by exposure to, ingestion of or contact with a controlled substance or
harmful chemical substance. A violation under this subdivision (a)(2) is a Class
B felony;

(3) Violates subdivision (1) and the exposure, ingestion or contact results
in the death of the child. A violation under this subdivision (a)(3) is a Class A
felony;

(b) It is an affirmative defense to a violation of this section that the controlled
substance was provided by lawful prescription for the person, human embryo or fetus,
and that it was administered to the person in accordance with the prescription
instructions provided with the controlled substance.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.